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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,744	11/13/2003	Anthony Edward Martinez	AUS920030709US1	2682

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EXAMINER	
TANG, SON M	

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,744	MARTINEZ, ANTHONY EDWARD	
	Examiner	Art Unit	
	Son M. Tang	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/13/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii et al. [US 6,407,389; Nishii].

Regarding claims 1-4, 8-9, 12-15, 19-20: **Nishii** discloses a method for controlling temperature at a plurality of control points within an airspace, said method comprising:

-obtaining actual temperatures at a plurality of control points (face or body) within said air space (vehicle) by the infrared rays detection (1 and 2 for front and rear seats) which each includes an infrared camera (9) [see Fig. 1-2, col. 4, lines 20-29];

-creating an actual temperature database in (detection/process circuit 19) [col. 5, lines 20-31], and generating control signals for application to temperature control devices (direction/blower speed) to change temperatures at said control points (body, face, skin or position of person is seated) independently [see col. 7, lines 38-58 and lines 22-24].

Nishii does not specifically disclose of a reference temperature database for comparing with said actual temperatures, however, Nishii further stated that "when the temperature **difference** among skin temperature of the person... so that the temperature **difference** is cancelled" see col. 7, lines 50-53, which can be interpreted that in order to determine the **difference** temperature, the actual detected temperature data must be compared to some kind of temperature in database such as

reference temperature. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention to recognize that there is a reference temperatures for each control points is pre-stored in the database to compare with actual temperature in order to known the difference temperature.

Regarding claims 5-7, 16-18: Nishii disclose all the limitations as described above, Nishii further discloses a controllable fan device (blower speed independent of the actual points) col. 7, lines 55-56, and a direction control device (col. 7, lines 46-49), but not specifically mention that control during a given of time. Since, the system is being controlled the flow and direction of air volume discharged into the air space, the blower speed must be performed in certain amount of determined time according to the temperature approaching required. Therefore, it would have been obvious of one having ordinary skill in the art that the fan blower controller should be done during a given period of time according to the temperature of said control points detected.

Regarding claims 10, 21: Nishii disclose all the limitations as described above, except for not specifically disclose a high temperature limit value indicative of a high temperature alarm condition, which occurred for a predetermined period of time. However, Nishii further discloses in another embodiment that the alarm is actuated when the detected temperature partly rises suddenly and it moves (see col. 8, lines 7-10), wherein the rise suddenly temperature is constitutes of a high temperature limit value and of course it should be monitored in a predetermined period of time for accuracy. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to recognize that the suddenly rise temperature alarm can be interpreted as high temperature limit alarm as claimed.

Regarding claims 11, 22: Nishii disclose all the limitations as described above, except for not specifically disclose a low temperature limit value indicative of a low temperature alarm condition. As described in claim 10 above, whereby Nishii teaches a high temperature alarm condition. Since, the system is being able to monitor high temperature alarm condition, it obvious to have other temperature alarm condition in the system such as (low or normal). Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to implement an appropriate additional temperature alarm condition including low temperature alarm condition as claimed for the benefit of additional safety condition.

3. Claims **23-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii et al. in view of Takemi et al. [US 4,570,450; Takemi].

Regarding claims 23 and 25-26: Nishii discloses a system for controlling for controlling temperature at a plurality of control points within an airspace of a vehicle, comprising:

-a CPU device met by a process circuit (19), a system bus is inherently includes in the system to communicate with various types of system control circuits 23 (col. 5, lines 32-35);

-measuring means for obtaining actual temperatures at a plurality of control points (face or body) within said air space (vehicle) by the infrared rays detection (1 and 2 for front and rear seats) which each includes an infrared camera (9) [see Fig. 1-2, col. 4, lines 20-29];

-creating an actual temperature database in (detection/process circuit 19) [col. 5, lines 20-31], and generating control signals for application to temperature control devices (direction/blower

speed) to change temperatures at said control points (body, face, skin or position of person is seated) independently [see col. 7, lines 38-58 and lines 22-24].

Nishii does not specifically disclose of a reference temperature database for comparing with said actual temperatures, however, Nishii further stated that "when the temperature **difference** among skin temperature of the person... so that the temperature **difference** is cancelled" see col. 7, lines 50-53, which can be interpreted that in order to determine the **difference** temperature, the actual detected temperature data must be compared to some kind of temperature in database such as reference temperature. Therefore, it would have been obvious of one having ordinary skill in the art at the time of the claimed invention to recognize that there is a reference temperatures for each control points is pre-stored in the database to compare with actual temperature in order to known the difference temperature.

Most of CPU system includes a memory, however, Nishii does not specifically disclose a memory means in the system, **Takemi** teaches an automobile air conditioner controlling system comprising, a CPU 10 includes a memory (see col. 3, lines 58-65). It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to have a memory as taught by Takemi in the system for storing and accessing data, which uses for calculating the control signal more convenience and accurate.

Regarding claim 24: Nishii and Takemi disclose all the limitations as described above, Takemi further teaches the selection means (23a-23b) operable by said passenger for inputting said preferred temperature for said passenger [see Fig. 1-2 and col. 3, lines 8-11, lines 37-44, lines 66-68 to col. 4, lines 1-5]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to have a passenger's selection means as taught by

Takemi into the system of Nishii for the benefit of more convenience and enhancing temperature comfortable at passenger.

Regarding claims 27-29: Nishii and Takemi disclose all the limitations as described above, except for not specifically disclose passenger-carrying vehicle is a bus, train and airplane. Since, the system is being able to control the temperature within air space of a passenger of a vehicle as disclosed by Nishii and Takemi above. Thus, it would have been obvious of one having ordinary skill in the art at the time the invention was made to implement the system in any appropriate specific passenger-carrying vehicle as user intended, including bus, train and airplane as claimed.

Regarding claim 30: Nishii and Takemi disclose all the limitations as described above, Nishii further discloses that the air-conditioner system sends the adequate temperature and adequate blower speed independent of the person body, face or skin temperature (see col. 7, lines 48-49 and 56-57), which constitutes of adjusting control signals to compensate for heat emitting characteristics of various parts of a human body.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshimi et al. [US 4,460,036], Kobayashi et al. [US 4,617,986], Nishimura et al. [US 4,482,009], Matsui et al. [US 4,696,167].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632

12-12-05